

STATE PROPERTIES COMMITTEE

Tuesday, September 20, 2005

The meeting of the State Properties Committee was called to order at 10:12 A.M. by Chairman Jerome F. Williams. Other members present were, Genevieve Allaire Johnson, Esquire, representing the Department of Attorney General and Mr. Robert Griffith, representing the Department of Administration. Also present were, Ms. Marlene McCarthy-Tuohy and Mr. Robert Brunelle, from the Department of Transportation; Michael Mitchell, Esquire and Mr. Paul Carcieri and Ms. Maureen McMahon, from the Department of Transportation; Ms. Lisa Primiano, from the Department of Environmental Management; Ms. Tracey Angell, Louis Saccoccio, Esquire, and Messrs. Vernon Wyman and Jerome Sidio, from the University of Rhode Island; Mr. Stephen McAllister, from the Board of Governors for Higher Education; Messrs Michael Plunkett and Michael Plunkett; Misses. Susan Sheppard and Elizabeth B. Barlow, and Messrs. Al Ronaldi, William Hanna, Ralph Barlow, John Sharkey, and Randall Hien, from the Town of Lincoln; Mr. Dan Barbaraisi, from the Providence Journal; Mr. Steven Feinberg, from the Rhode Island Film and TV Office; and, William E. Carnes, from the Senate Office.

Minutes of the meeting held on September 8, 2005 was approved.

1. OLD BUSINESS

2. NEW BUSINESS – Miscellaneous – A special meeting will be scheduled for some time the week of September 26 and the next scheduled meeting of the State Properties Committee is scheduled to be held on Tuesday, October 11, 2005.

ITEM A - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a Purchase and Sale Contract with 5-113, LLC for conveyance of surplus property in the City of Warwick.

This is for property located at or near the intersection of Routes 5 and 113, Warwick. On March 29, 2005, the State Properties Committee conceptually approved the sale to Carpionato Properties of approximately 6.9 acres of undeveloped land. These are two separate transactions and there are two separate Purchase and Sales Agreements. One parcel is 1.8 acres and the second parcel is 5.1 acres. The purchase price for the 1.8 acre parcel is \$1,295,000.00, and the Department has received a deposit in the amount of \$145,000.00. The 5.1 parcel is being conveyed for \$1,405,000.00, of which \$145,000.00 has been received as a deposit. The larger parcel will be transferred in two phases. There will be one closing with the title to the entire parcel divided into two. The State still has highway structures on the second parcel. The Deed will be held in escrow and will be recorded separately after the State removes the highway structure and when the State is done with using it in its entirety.

The City of Warwick still has a right of first refusal on the property. Notice has not been sent yet because there is still pending litigation that has not been resolved with the former owners of the property. That case has been settled in principle and the Department is waiting for settlement documents to be circulated. If and when the former owners relinquish their rights, it will then be offered to the City of Warwick. Notice to the municipality will not be sent out until the

claims of the former owners are resolved. Ms. Allaire Johnson stated the Purchase and Sale Agreement references it is subject to the City's right of refusal and also mentioned the litigation. There is a provision in that document. The Department will return for execution of Deeds when everything is resolved. The Department will make the statutorily mandated offer to the City of Warwick. The letters have been prepared and the Department is waiting for the settlement of the former owners issue before they are mailed. The claims of the former owners are being resolved at no cost to the State.

A motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a Purchase and Sale Contracts with 5-113, LLC for conveyance of surplus property in the City of Warwick.

Passed Unanimously

ITEM B – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a Quit-Claim Deed conveying four acres of land on Cedar Lane, Jamestown, to the Town of Jamestown.

On February 22, 2005, the State Properties Committee conceptually approved conveyance of four acres of vacant land to the Town of Jamestown. After a series of negotiations with the Town, the Department advised the Committee that it would accept \$200,000.00 for this property. This Deed contains restrictive covenants. The Deed bars the use of property for other than watershed purposes. There can be no development. There can be no excavation of the property without certain precautions in regard to excavations, or it

shall revert back to the State. The amount of \$400.00 is being deducted from the \$200,000.00 for half of the appraisal costs of \$800.00.

A motion was made by Mr. Griffith and seconded by Mr. Kay to approve the request of the Department for approval and signatures on a Quit-Claim Deed conveying four acres of land on Cedar Lane, Jamestown, to the Town of Jamestown.

Passed Unanimously

ITEM C – OFFICE OF HIGHER EDUCATION - UNIVERSITY OF RHODE ISLAND – A request was made by the Department for approval and signatures on an Agreement and a Building Lease/Purchase Agreement with Chi Phi Holding Corporation of Rhode Island, Inc. regarding property located at 11 Fraternity Circle and 61 Upper College Road, Kingston.

At the request of the Office of Higher Education, this matter was deferred to October 11, 2005.

ITEM D – OFFICE OF HIGHER EDUCATION - UNIVERSITY OF RHODE ISLAND - A request was made by the Department for approval and signatures on a Ground Lease Agreement with the Hellenic Society Paideia, Rhode Island Chapter for use of property in Kingston for construction of the Greek Cultural Heritage Center.

This Ground Lease Agreement seeks to establish a permanent place at the University of Rhode Island a permanent place for the Hellenic Studies and the University Humanities Center. It is a collaboration between the University and the Board of Governors and the Greek community, represented by the Hellenic Society to expand the

academic program at URI involving Greek studies and to establish a home for the Humanities Center. The term of the ground lease is for an initial period of ninety-nine (99) years with options to renew for four (4) additional ninety-nine (99) year terms. Legislation was enacted in 2002 expanding the authority of the Board of Governors for Higher Education to enter long term lease arrangements for this nature.

A motion was made by Mr. Griffith and seconded by Mr. Kay to approve the request of the Office of Higher Education for approval and signatures on a Ground Lease Agreement with the Hellenic Society Paideia, Rhode Island Chapter for use of property in Kingston for construction of the Greek Cultural Heritage Center.

Passed Unanimously

ITEM E – OFFICE OF HIGHER EDUCATION – UNIVERSITY OF RHODE ISLAND – A request was made by the Office of Higher Education for final approval and signatures for the award of the Agricultural Land Leases, Kingston.

On February 22, 2005, the State Properties Committee granted the Office of Higher Education permission to issue an RFP for agricultural land leases. Evaluations have been completed and the necessary documents have been obtained. One Lease is with Tee and Green Sod Incorporated and one is with New England Turf, Incorporated. In obtaining Certificates of Insurance, it was learned that New England Turf, Incorporated is exempt from Worker's Compensation.

A new signatory page will be forwarded to the Committee.

A motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Office of Higher Education for final approval and signatures for the award of the Agricultural Land Leases, Kingston.

Passed Unanimously

ITEM F– OFFICE OF HIGHER EDUCATION – COMMUNITY COLLEGE OF RHODE ISLAND – A request was made by the Office of Higher Education for conceptual approval to enter into a Lease with the Town of Lincoln for land at the Community College’s Flanagan Campus for recreational purposes.

CCRI requested to enter into a lease with the Town of Lincoln for eight acres of land at the College’s Flanagan Campus. The Town wished to lease the land located along Angell Road for recreational purposes, specifically for a Little League baseball field.

Ms. Sue Sheppard, the Lincoln Town Administrator and Mr. Al Ranaldi, the Lincoln Town Planner gave a brief presentation of the Town of Lincoln’s Recreational Proposal. A copy of this proposal was distributed to the Committee. The Town proposes to lease from the State, approximately 8 acres of undeveloped land within the Flanagan Complex of CCRI. The Town proposes to establish a little league field at its own expense. This field will include sports lighting and will be developed according to the National Little League Association’s standards. This field will be maintained by the Town. A public pavilion will be located next to the field and will include restrooms, a press box, score board and concessions stand. This pavilion will be serviced by public water and sewer. Special attention

will be given to the abutting residential neighbors in terms of buffering potential lights and sounds generated from the facility. A paved access road will be located parallel to the electrical easement and existing property line. The Town has spoken with abutters to the property and assured them that the Town will pushing the field as far back on the property as it can, so that the green space remains between the lot lines of the persons living along Angell Road and where the field will be located. All costs will be borne by the Town. Mr. Stephen McAllister, Associate Commissioner for Higher Education, informed the Committee that the Board of Governors for Higher Education is in full support of this proposal. He went on to say, this proposed lease does not impact CCRI's Master Plan. The Board is in full support and is finalizing the lease terms. CCRI is requesting conceptual approval and will forward the lease. Ms. Allaire Johnson stated that the term of the lease can only be 20 years in the aggregate.

The Chair, Mr. Williams stressed that this request is for conceptual approval. The Office of Higher Education is requesting conceptual approval, and if passed, they would have to return for final approval. A copy of the Town's Traffic Report was submitted for the record.

Mr. Ralph Barlow, a resident of the Town of Lincoln, spoke to the Committee. Mr. Barlow stated he is one of 160 residents who have signed a Petition protesting this proposal and they believe this proposal is seriously flawed. He expressed his concerns and reasons. Mr. William Hanna, another resident spoke protesting this proposal. Mr. John Sharkey, President of the Little League and

resident of the Town of Lincoln, spoke at length in support of the proposal. Mr. Randy Hien, also from the Lincoln Little League and Town of Lincoln resident, spoke in support of this proposal, and referred to an article that had appeared in the Providence Journal regarding this proposal. Additional discussion ensued.

Mr. Robert Griffith inquired if this has been reviewed by Statewide Planning for conformance with the Statewide Plan and it was learned that it has not. Mr. Griffith asked that Mr. McAllister ensure that this was done.

The Chair, Mr. Williams also asked if the Department of Environmental Management had looked at this proposed site and it was learned it had not. Mr. Williams asked Mr. McAllister to contact the Department of Environmental Management to review the proposal based on wetlands in the area. The Chair advised that Leases brought before the Committee must contain cancellation clauses.

No documents have been received by the Office of the Attorney General as yet. Mr. Kay stated that the CCRI is at the meeting today on behalf of the Town to make the presentation, and inquired if any questions that CCRI might have had been clarified and CCRI responded, yes.

The Chair spoke regarding the issue at length and reminded everyone that this is for conceptual approval. He stated his interest in having this reviewed by the Department of Environmental Management and Statewide Planning, and if approved, the structure of the Lease.

A motion was made by Mr. Griffith and seconded by Mr.. Kay to

approve the request of the Office of Higher Education for conceptual approval to enter into a Lease with the Town of Lincoln for land at the Community College's Flanagan Campus for recreational purposes.

Passed Unanimously

ITEM G – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a Deed to Development Rights for the acquisition of development rights over land in Scituate owned by Brian and Lauralynn Knight.

This is for the development rights over 85 acres of land in Scituate. The Title work has been done. The Department is still in the process of obtaining the final survey. The actual Deed to Development Rights does not have a land description at this point. The total acquisition price is in the amount of \$2,200,000.00. Funding is from the US Department of Agriculture's Farm and Ranch Lands Protection Program in the amount of \$1,100,000.00, the Agricultural Land Preservation Commission's State Farmland Bond funds in the amount of \$500,000.00, a grant from The Nature Conservancy through the Champlin Foundations in the amount of \$350,000.00, and the Town of Scituate in the amount of \$250,000.00.

A motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a Deed to Development Rights for the acquisition of development rights over land in Scituate owned by Brian and Lauralynn Knight. Approval was granted subject to the final survey.

Passed Unanimously

ITEM H – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A

request was made by the Department for approval and signatures on a Conservation Easement over land in Westerly.

The Purchase and Sale Contract for this project was approved and signed at the March 29, 2005 State Properties Committee meeting. The purchase price for the Conservation Easement is \$1,650,000.00. Funding is \$710,000.00 for the Department's Land Acquisition Program, \$300,000.00 from a Local Open Space grant and \$640,000.00 from The Nature Conservancy.

A motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a Conservation Easement over land in Westerly.

Passed Unanimously

ITEM I – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for conceptual approval to enter into agreements with Disney Pictures of Burbank, CA, for the use of the Cranston Street Armory and the State House in conjunction with production and filming of a major motion picture.

Mr. Steven Feinberg, gave a brief presentation regarding this matter. This will be a live action version of "Underdog", the animated TV series.

A motion was made by Mr. Griffith and seconded by Ms. Allaire Johnson to approve the request of the Department for conceptual approval to enter into agreements with Disney Pictures of Burbank, CA, for the use of the Cranston Street Armory and the State House in conjunction with production and filming of a major motion picture.

Passed Unanimously

ITEM J – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval of the use of Building 79 at the Pastore Center by Michael Plunkett, for the filming of the movie “Mary Mary”.

Mr. Michael Plunkett gave a presentation. A short film will be produced with no more than ten persons on the set at one time. He hopes to present this film to the Rhode Island Film Festival. A firefighter will be on the set to serve as a direct communication to the Cranston Fire Department.

A motion was made by Mr. Griffith and seconded by Mr. Kay to approve the request of the Department for approval of the use of Building 79 at the Pastore Center by Michael Plunkett, for the filming of the movie “Mary Mary”.

Passed Unanimously

ITEM K – DEPARTMENT OF ADMINISTRATION/DIVISION OF MOTOR VEHICLES – A request was made by the Department for final approval and signatures on Lease Agreement with Independence Park Property Group, L.L.C. for new Division of Motor Vehicles Headquarters space at 1776 Independence Parkway, Cranston

At the request of the Department, this matter was deferred to the Special Meeting to be scheduled.

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4 (a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental

to the interest of the public.

A Motion was made to go into Executive Session by Ms. Allaire Johnson and seconded by Mr. Griffith. A roll call vote was made. Ms. Allaire Johnson voted “Aye”, Mr. Griffith voted “Aye”, Mr. Kay voted “Aye”, and the Chair voted “Aye”.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Griffith to close the Executive Session and return to the regular meeting.

The regular session of the State Properties Committee re-opened with the following request.

ITEM L - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval of Condemnation Plat 2553A, Parcels 4,5,7, 17, 18 and 19, Jefferson Boulevard, Warwick.

The Department had previously obtained approval and acquired partial acquisitions and construction easements for 16 parcels as part of Condemnation Plat 2553. The Department was informed that aerial and guy easements are necessary. Four (4) privately owned parcels will be affected by aerial easements totaling 2,271 square feet. Two parcels owned by the Department will be affected by aerial (4,667 square feet) and guy (335 square feet) easements. Total cost of the additionally easements is \$4,365.00 of which 80% is Federally funded.

A motion was made by Mr. Griffith and seconded by Mr. Kay to approve the request of the Department for approval of Condemnation Plat 2553A, Parcels 4,5,7, 17, 18 and 19, Jefferson Boulevard, Warwick.

**All matters presented to the Committee were approved by all present.
There being no further business to come before the Committee, the
meeting adjourned at 11:32 A.M.**

Anne L. Lanni, Executive Secretary